

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRANCE FOMBY,

Petitioner,

v.

CASE NO. 05-CV-73187-DT
HONORABLE ARTHUR J. TARNOW

ANDREW JACKSON,

Respondent.

**ORDER DENYING PETITIONER'S REQUEST
FOR APPOINTMENT OF COUNSEL**

Before the Court is Petitioner's second letter request seeking appointment of counsel in this habeas action. Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)).

Petitioner has submitted his habeas petition in support of his claims. Respondent has recently filed an answer to the petition. Upon a preliminary review of the pleadings, the Court finds that neither an evidentiary hearing nor discovery are necessary at this

time, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c). Accordingly, the Court **DENIES** Petitioner's request for appointment of counsel. If the Court finds that appointment of counsel is necessary upon further consideration of this matter, it will enter an appropriate order. Petitioner need not file an additional motion concerning this issue.

s/Arthur J. Tarnow

Arthur J. Tarnow
United States District Judge

Dated: April 5, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 5, 2006, by electronic and/or ordinary mail.

s/Catherine A. Pickles

Judicial Secretary